

Tuesday, December 11, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.

Consent Agenda – Review and Approval:

1-17. This is the time set for consideration of the Consent Agenda.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 19 on the following vote is indicated for each item.

Motion by: Paul Teixeira

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Paul Irving to replace Victoria Schmitt on the Los Osos/Morro Bay (unincorporated) Advisory Board for the remaining three (3) years of her four (4) year term. District 2.

The Board approves as recommended by the County Administrative Officer.

2. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to approve an advertising contract/insertion order in the amount of \$80,500 with US Airways Magazine for a 23-page custom editorial feature to be published in March 2013.

The Board approves as recommended by the County Administrative Officer.

3. Request to approve Amendment #2 to the County's contract with Maguire and Ashbaugh for Public Defender Services to add a part-time Specialty Court Advocate position in the amount of \$40,000 from AB 109 funding for the remainder of FY 2012-13.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Submittal of a resolution recognizing Eric Greening for his years of public participation in local government in San Luis Obispo County.

Mr. Mike Winn, Ms. Linde Owen, Dr. C Hite and Mr. Eric Greening: speak.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-309, adopted.

5. Request by Supervisor James Patterson to appoint Linda Peterman and reappoint Gilbert Cabrera to the Santa Margarita Cemetery District Board of Trustees.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

6. Request to declare the results of the November 6, 2012 Presidential General Election as presented on the Summary Report of Final Official Election Results and the Statement of Votes Cast (Clerk's Filed).

Ms. Julie Rodewald – Clerk-Recorder: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

7. Request to authorize a budget adjustment in the amount of \$194,141 in Fund Center 140 – County Fire to purchase a relocatable Rescue Training Tower; and to amend the Fixed Asset List to add the Tower, to be paid for with grant funding from the US Department of Homeland Security.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

8. Request to approve concession agreement with Achievement House, Inc. a California 501c3 Non-Profit Corporation, to operate a combined snack bar and gift shop concession in the terminal building at the San Luis Obispo County Regional Airport.

The Board approves as recommended by the County Administrative Officer.

9. Request to reject public bids for construction of an expanded septic system located at Waste Connections, Inc., 4388 Santa Fe Road, formerly CB&I Constructors, Inc., adjacent to the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

10. Request to approve an agreement with California Shock Trauma Air Rescue (CALSTAR) for Fiscal Years 2012-13 through 2016-17 (5 years) with an option to renew for an additional five years to provide emergency air medical transport services within the County.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve: 1) a resolution amending the Position Allocation List for Fund Center 160 - Public Health to add a .50 FTE Public Health Nurse position and 2) a corresponding budget adjustment from unanticipated revenue for Fund Center 160 - Public Health.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-310, adopted.

12. Request to approve: 1) a resolution to amend the FY 2012-13 Position Allocation List for Fund Center 166 – Behavioral Health to delete a 0.50 FTE Mental Health Nurse Practitioner position and for Fund Center 160 – Public Health to add a .50 FTE Public Health Nurse position for the Homeless Full Service Partnership program; 2) a corresponding budget adjustment in the amount of \$27,647 to adjust Fund Center 166 – Behavioral Health and Fund Center 160 – Public Health for said transfer.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-311, adopted.

13. Request to approve an amendment to the contract with Central Courier, Inc. replacing the language regarding the term of the contract, adding an additional two-year term, with all other provisions remaining the same.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

14. Submittal of five resolutions approving new and amended land conservation contracts (Clerk's File) pursuant to the California Land Conservation Act of 1965. Districts 1, 2 & 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2012-312, 2012-313, 2012-314, 2012-315 and 2012-316, adopted.

Consent Agenda - Public Works Items:

15. Submittal of a resolution for acceptance of West Centre Street, County Road No. 5550 from State Route 41 easterly to Truesdale Road; and East Centre Street, County Road No. 5551 from Truesdale Road easterly to State Route 46, Shandon. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-317, adopted.

Consent Agenda - Sheriff - Coroner Items:

16. Request to: 1) approve an application and resolution for eligibility to acquire surplus property through the State and Federal Surplus Property Program; 2) accept a donated vehicle from the Department of Justice; 3) approve a transfer from the Narcotics Task Force (NTF) Federal Asset Forfeiture Trust Account in the amount of \$2,325; 4) authorize a corresponding budget adjustment in Fund Center 136 – Sheriff-Coroner and 5) add the vehicle to the County's fixed asset list.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-318, adopted.

17. Request to approve the purchase of a replacement radio dispatch console system from Raytheon JPS Civil Communications Solutions in the amount of \$485,000 and approve a corresponding amendment to the Fixed Asset List.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

18. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Mr. Dane Senser: addresses concerns regarding code and safety violations at the Sky River RV Park.

Dr. C. Hite: speaks to KCBX broadcasting Board of Supervisors meetings on the radio; and expresses her concerns that woman are not being given the respect they deserve.

Mr. Ben DiFatta: comments on the Los Osos Wastewater Project (LOWWP).

Ms. Julie Tacker (citizen's complaint), Ms. Linde Owen (box of coal) and Mr. Alan Martyn: address various comments and concerns relating to the relationship between Supervisor Gibson and his Legislative Assistant. Additionally, Ms. Owen, comments on the LOWWP and the importance of KCBX broadcasting Board of Supervisor meetings.

Mr. Eric Greening: requests the Board agendize a discussion regarding low energy seismic studies.

Ms. Rachelle Toti - Concerned Citizens for Clean Air on the Nipomo Mesa: presents and discusses a letter she submitted to the Board and a handout regarding 2012 Comparison of Particulate Matter (PM) 10 readings on the Nipomo Mesa and South Higuera Street in San Luis Obispo.

Mr. Richard Margetson: states the recent Needs N Wishes Fundraiser was a success and provides recognition to the youth who participated in this event. **No action taken.**

(ADDED ITEM – REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS NOTICE WAS POSTED

PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.)

Board Committee Updates:

25. This is the time set for Board Members to report on various committee activities.

Board Members: comment on their committee activities with the California State Associations of Counties (CSAC); the Independent Peer Review Panel; the Latino Outreach Council (LOC); the Fire Safe Council and the Homeless Services Oversight Council (HSOC). Additionally, Supervisor Hill, states the Amgen Tour of California will be returning to the County and is currently scheduled for mid-May and Chairperson Patterson announces a Candlelight Vigil will be held at the San Luis Obispo County Courthouse on December 20, 2012 from 5:00 PM to 6:00 PM for National Persons Memorial Day. **No action taken.**

Board Business:

19. Update on Women's Jail Expansion Project.

Chairperson Patterson: opens the floor to public comment without response.

The Board receives the presentation on the status of the Women’s Jail Expansion project. **No action taken.**

20. Submittal of a resolution acknowledging the Certification by the California Coastal Commission of the San Luis Obispo County Local Coastal Program (LCP) Major Amendment 1-10 – Grading and Stormwater Management Ordinances. Districts 2, 3, 4.

Chairperson Patterson: opens the floor to public comment.

Ms. Joy Fitzhugh: speaks.

A motion by Supervisor Adam Hill, seconded by Supervisor Bruce S. Gibson, to continue the item off-calendar, is discussed.

The motion maker and second amend their motion to continue the item to Tuesday, January 29, 2013.

The Board continues the item to Tuesday, January 29, 2013.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearings:

21. Hearing to discuss the proposed annual 2013 Action Plan for the Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME), and Emergency Solutions Grant (ESG) Programs. All Districts.

Chairperson Patterson: opens the floor to public comment.

Jerry Rioux – San Luis Obispo County Housing Trust Fund Director, Mr. Robert Laing – Pacific Southwest Community Development Corporation President, Mr. David Ryal - Mission Community Services Corporation, Ms. Pearl Munak - Transitional Food and Shelter, Ms. Andrea Herrera – Community Action Partnership of San Luis Obispo County, Inc. (CAPSLO) Homeless Services Division Case Manager, Mr. Tao Powell, Mr. Michael Sheard, Andrew Anderson and Ms. Marylou Zivina - CAPSLO Homeless Services Division Case Managers, Ms. Della Wagner – Maxine Lewis Homeless Shelter Project Manager, Ms. Lori Chatterton – Prado Day Center Safe Parking Program Participant (handout), Ms. Esther Castillo – CAPSLO Homeless

Services Division Case Manager, Mr. Tung Tran – ROEM Development Corporation, Mr. Dane Sensor, Mr. John Fowler - People Self Help Housing – Chief Financial Officer (CFO) and Executive Vice-President and Dr. C. Hite: speak.

Chairperson Patterson: enters into the record a letter from Ms. Andrea Lueker – City of Morro Bay City Manager.

The Board receives the presentation on unmet community development needs. **No action taken.**

Closed Session Items:

- 22.** The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
 - A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Sunny Acres, et al. v. County of San Luis Obispo, et al., (CV 090360); 2. Frederickson v. County of San Luis Obispo; 3. Teichert, A. & Son, Inc. v. San Luis Obispo County Flood Control & Water Conservation District.
 - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.
 - II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code ' 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 6. Unrepresented Management and Confidential Employees; 7. SLOCPPOA; 8. SLOCEA-Public Services, Supervisors, Clerical; 9. Deputy Sheriff’s Association; 10. DAIA; 11. SLOCEA-Trades and Crafts; 12. Sheriffs’ Management; 13. SLOCPMPOA; 14. DCCA; 15. SLOGAU.

Chairperson Patterson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

- 23.** Submittal of resolutions recognizing employees for 30 and 35 years of service.

Ms. Bonnie Trahan - Information Technology (GSA), Ms. Jeanne Dague – Sheriff’s Department and Ms. Sandra Darby – Library, receive their service awards, with each department head highlighting their history with the County.

RESOLUTION NO. 2012-319, a resolution commending Bonnie Trahan in recognition of thirty-five years of service with San Luis Obispo County; RESOLUTION NO. 2012-320, a resolution commending Jeanne Dague in recognition of thirty five years of service with San Luis Obispo County; RESOLUTION NO. 2012-321, a resolution commending Sandra Darby in recognition of thirty five years of service with San Luis Obispo County; RESOLUTION NO. 2012-322, a resolution commending Dave O’Halloran for thirty years of public service with the County of san Luis Obispo in the Public Works Department; RESOLUTION NO. 2012-323, a resolution commending Anita Rogers in recognition of thirty five years of service with San Luis Obispo County; and RESOLUTION NO. 2012-324, a resolution recognizing John Hofschroer in recognition of thirty five years of service with San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			

Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business Continued:

24. A request by the County of San Luis Obispo to authorize processing of an update to the Los Osos Community Plan, including amendments to the Estero Area Plan of the County Local Coastal Plan and the Official Maps of the Land Use Element. District 2.

Chairperson Patterson: opens the floor to public comment.

Ms. Julie Tacker, Mr. Jeff Edwards, Dr. C. Hite, Mr. Eric Greening and Ms. Susan Morrow – Los Osos Community Services District (LOCS D) General Manager: speak.

The Board authorizes the processing of the Los Osos Community Plan Update, including amendments to the Estero Area Plan of the County Local Coastal Plan and the Official Maps of the Land Use Element.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, December 11, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: December 17, 2012